

REMARKS

Claims 1-5 are pending in the application. Claims 1-5 have been canceled and claims 6-10 have been added, leaving claims 6-10 for consideration upon entry of the present Amendment. Support for the new claims can be found in the specification, the figures and the original filed claims. In addition, claims 6 and 7 are similar to claim 1 and 2, respectively; however, the claims are now written in apparatus form. Claims 8-10 are identical to claims 3-5, respectively. Applicants respectfully request reconsideration in view of the Amendment and Remarks.

Claims 1-5 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Applicants have canceled claims 1-5 and added claims 6-10. Applicants respectfully submit that claims 6-10 overcome the rejections under 35 U.S.C. § 112, second paragraph. Accordingly, Applicants request that this rejection be withdrawn.

Claims 1-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over EP 0729772 in view of Antony (US 4,217,176) and FR 2208103. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicants have canceled claims 1-5 and added claims 6-10. The references do not teach or suggest of the limitations of claims 6-10.

Claim 6, as amended, includes the following limitations: "a common medium feed distributor for all heat exchangers wherein all heat exchangers are fed by feeding the first of the directly serially connected heat exchangers with the medium to be concentrated; a separation area for separating exhaust steam out of the medium to be concentrated being serially connected to the last of the directly serially connected heat exchangers." None of the references teach or suggest those limitations.

EP 0729772 discloses an evaporator consisting of a cylindrical housing in which two heat exchangers are arranged above one another; however, the heat exchangers are not serially connected and thus, each of the heat exchangers has a separate medium feed distributor and a separate chamber. See Figure 1. The heat for the heat exchangers is transferred by steam. The steam enters through the inlet traveling through the complete heat exchanger, arriving at the opposite side the heat exchanger and condensating. Thus, EP 0729772 does not teach or suggest a common medium feed distributor for all heat exchangers

or a single separation chamber providing only one point in the evaporator where the exhaust steam leaves the medium.

Antony discloses an evaporator having two heat exchangers. See Figure 5. Each of the heat exchangers has a separate feed distributor and also each heat exchanger has a separation chamber for separating exhaust steam from the medium. Thus, there is not a common central medium feed distributor for all heat exchangers but separate distributors for each heat exchanger. There is also not one separation chamber at the end of the heat exchangers allowing a separation of exhaust steam from the medium only at that point. Instead, Antony discloses separation chambers for each heat exchanger. Further, both heat exchangers are fed with steam from the same source.

Finally, FR 2208103 discloses an evaporator having two heat exchangers in parallel alignment. See the Figure. The liquid enters a first chamber from which it is fed to the pipes of the first heat exchanger. At the end of the pipes, the heated liquid enters a second chamber in which the possible evaporation separates from the remaining liquid. From this chamber the gas and the remaining liquid enter the second heat exchanger via a part distributor. After traveling through the second heat exchanger the gas and the remaining liquid enter the next chamber in which the separation again occurs. The gas and the remaining liquid leave this chamber together. Thus, FR 2208103 does not teach or suggest a common central medium feed distributor and does not teach or suggest a single separation chamber at the end of the serially connected heat exchangers.

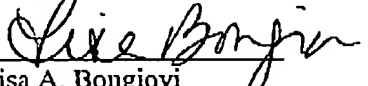
Accordingly, the references either alone or in combination do not teach or suggest all of the limitations. Instead, all of the references show separate heat exchangers with each having separation chambers after each heat exchanger and distributors for the medium for each heat exchanger. Thus, claim 6 is patentable over EP 0729772, Antony, and FR 2208103. Claims 7-10 include all of the limitations as claim 6, and thus, claims 7-10 are patentable over the references. Accordingly, Applicants respectfully request that the rejection as to claims 6-10 under 35 U.S.C. § 103(a) be withdrawn.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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